

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ASHOK JAIN, M.D.,
Plaintiff,

v.

TEXANA BEHAVIORAL HEALTHCARE &
DEVELOPMENTAL DISABILITIES SERVICES
d/b/a TEXANA CENTER
Defendant.

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CIVIL ACTION NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

A. PARTIES

1. Plaintiff, ASHOK JAIN, M.D., is an individual who is a citizen of the State of Texas.
2. Defendant, TEXANA BEHAVIORAL HEALTHCARE & DEVELOPMENTAL DISABILITIES SERVICES d/b/a TEXANA CENTER (hereafter "TEXANA CENTER" or "Defendant") is a 501(c)3 public, not for profit, Texas organization that can be served with process by serving its Chief Executive Officer, George Patterson, or another person authorized to accept service, at the business address at Texana Center, 4910 Airport Avenue, Rosenberg, Texas 77471.

B. JURISDICTION

3. The court has jurisdiction over the lawsuit because this suit arises under 42 U.S.C. §21, The Civil Rights Act of 1964, as amended. Plaintiff is a Indian male who was discriminated against by his employer because of his race, color and national origin. He was further retaliated against and constructively discharged for complaining about the discrimination.

C. VENUE

4. Venue is proper in this district under 42 U.S.C. §2000e-5(f)(3) because the alleged unlawful employment practice was committed in this district.

D. EXHAUSTION OF ADMINISTRATIVE REMEDIES

5. Plaintiff timely filed a charge of discrimination against defendant with the Equal Employment Opportunity Commission (EEOC). Plaintiff files this complaint within 90 days after receiving a notice of the right to sue from the EEOC. A copy of the notice of the right to sue is attached as Exhibit "A".

E. DISCRIMINATION UNDER TITLE VII

6. Plaintiff is an employee within the meaning of Title VII and belongs to a class protected under the statute, namely an individual from India who is of a different race, color and national origin than the white, American and American-born employees.
7. Defendant is an employer within the meaning of Title VII.
8. Defendant intentionally discriminated against Plaintiff because of his race, color and national origin in violation of Title VII by paying him at a lesser rate and allocating him less patient evaluation time than the other similarly qualified white non-Indian M.D. employees.
9. Plaintiff was also given a different work load compared to the other similarly qualified white non-Indian M.D. employees.
10. More non-white patients and those without medical insurance were allocated to the non-white doctors at Texana Center.
11. When Plaintiff complained about the discrimination he was subjected to retaliation including a sham investigation and word was put out to the employees

that he was to be reported for any imagined fault, leading to his constructive discharge.

F. DAMAGES

11. As a direct and proximate result of Defendant's conduct, Plaintiff suffered the following injuries and damages.
 - a. Plaintiff was constructively discharged from employment with Defendant. Although Plaintiff has diligently sought other employment, he has been unable to find a job at comparable pay and benefits.
 - b. Plaintiff suffered loss of medical insurance, pension and retirement benefits.
 - c. Plaintiff suffered mental anguish and emotional distress.
 - d. Plaintiff suffered damage to his professional reputation.
 - e. Plaintiff has not been paid for the last pay period.
 - f. Plaintiff suffered contract damages when his base salary was agreed as \$165,000 but he was paid only \$160,000 for the year beginning September 2007.

G. ATTORNEY FEES

12. Plaintiff is entitled to an award of attorney fees and costs under Title VII, 42 U.S.C. §2000e-5(k).

H. PRAYER

13. For these reasons, Plaintiff asks for judgment against Defendant for the following:
 - a. Award compensatory damages for loss of pay and benefits;

- b. Award compensatory damages for emotional pain, suffering and mental anguish;
- c. Award compensatory damages for damage to his professional reputation.
- d. Award Attorney fees;
- e. Award costs of suit; and
- f. All other relief the court deems appropriate.

Respectfully submitted,

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ASHOK JAIN, M.D.**